

CRM-M-53760-2019(O&M)

Jagdish Singh
Versus
State of Punjab

Present:- Mr. K.S.Sidhu, Senior Advocate with
Mr.G.S.Benipal, Advocate
for the petitioner.

This is a petition, inter alia, for quashing the order dated 06.05.1996 (Annexure P-3), passed by learned JMIC, Ludhiana, whereby the petitioner has been declared as proclaimed offender.

The case of petitioner is that in the year 1990, he was a student of B.Sc.(Agriculture) in Punjab Agriculture University, Ludhiana and used to reside in the hostel. There were some shops of seeds of vegetables situated in front of Punjab Agriculture University, Ludhiana. There was business rivalry between the shopkeepers and a dispute arose between the shopkeepers regarding the sale of seeds of vegetables in which students of Punjab Agriculture University, Ludhiana, intervened. Regarding that incident, an FIR was lodged. The petitioner was not named in the FIR nor any role has been attributed to him. After investigation, challan was presented in the Court in year 1991.

It is the case of petitioner that he had no knowledge of pendency of the case and he had never received any notice. He went to Australia in the year 1995 and had not returned to India since then. In the absence of the petitioner, he has been declared a Proclaimed Offender vide the impugned order. It is stated that in the service report submitted by Constable Surjit Singh it has been specifically mentioned that petitioner is not residing at said address

and he had gone to America. Meanwhile, there was a compromise arrived at in the said case and co-accused of the petitioner were acquitted by the Trial Court in April, 2019.

It is the contention of Ld. Counsel for the petitioner that it can never be the intention of the petitioner to evade trial. The petitioner is ready to surrender before the Court and face trial.

In view thereof, the petitioner may appear before the Trial Court on or before 15.01.2020. On doing so, he shall be enlarged on bail by the Trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. This shall be subject to payment of costs of Rs.50,000/- to be deposited with the District Legal Services Authority, Ludhiana. Til then, he shall not be arrested.

The petitioner shall also file an undertaking before the concerned Court that he shall attend the trial on each and every date, without any default.

December 16, 2019

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No